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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

ALAN G. DONALDSON,

Defendant and Appellant.

B210955

(Los Angeles County
Super. Ct. No. BA333782)

APPEAL from an order of the Los Angeles County Superior Court,
Jose I. Sandoval, Judge. Affirmed.

Leonard J. Klaif, under appointment by the Court of Appeal for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

On December 18, 2007, Los Angeles Police Officer Samuel Chin observed Alan Donaldson on a closed circuit television system as he poured something from an amber-colored prescription medicine bottle into the hand of another male, and then took money from the other man. Shortly thereafter, two other officers detained Donaldson and found on his person 82 hydrocodone pills in a medicine bottle, and approximately \$2,400 in cash.

On January 17, 2008, Donaldson pleaded no contest to one count of possession of a controlled substance for sale, following which the trial court suspended imposition of sentence and placed him on formal probation for five years on condition that he serve 180 days in county jail.

On August 13, 2008, Donaldson (by his public defender) filed a motion to withdraw his plea. At a hearing on September 4, 2008, Donaldson stated his grounds for his motion to the trial court; his predominant assertions were that he had “a lot of medical issues and . . . appointments . . . [and] couldn’t be in custody,” and that he had proof that the money which had been in his possession at the time of his arrest was from “savings” and was for “Christmas shopping.” Donaldson also alluded to a “995 or an O.R. hearing” which had not occurred, and to “the paperwork . . . to get his funds back as well.” At the conclusion of the hearing, the trial court denied Donaldson’s motion to withdraw his plea for the following reasons: “I’ve reviewed the motion . . . [and] heard out Mr. Donaldson. Looking at the basis upon which somebody might be granted a motion to withdraw a plea pursuant to Penal Code section 1018 and various case law that has interpreted that, and considering everything [that] Mr. Donaldson has contributed here, I don’t see a basis for granting of the motion to withdraw [his] plea”

On September 8, 2008, Donaldson filed a notice of appeal from the order denying his motion to withdraw his plea. We thereafter appointed counsel to represent Donaldson on appeal. On December 5, 2008, Donaldson’s appointed counsel filed an opening brief which raised no issues. On the same day, we notified Donaldson by letter that he could submit within 30 days any ground of appeal, argument or contention which he wished us to consider. On December 11, 2008, Donaldson filed a one-page handwritten response,

along with a series of attached documents. Insofar as we are able to ascertain, Donaldson continues to have objections of an undisclosed nature regarding a forfeiture action which was initiated by the District Attorney to retain the money (\$2,400) which was recovered from his person when he was arrested.

We have independently reviewed the record, and are satisfied that Donaldson's appointed counsel has fulfilled his duty, and that no arguable issues exist regarding the correctness of the trial court's order denying his motion to withdraw his plea. (*People v. Wende* (1979) 25 Cal.3d 436; *People v. Kelly* (2006) 40 Cal.4th 106.)

DISPOSITION

The trial court's order is affirmed.

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BIGELOW, J.

We concur:

RUBIN, Acting P. J.

FLIER, J.